

1) In prior consultations, the National Marine Fisheries (NMFS) has found that many organophosphate pesticides could actually jeopardize the continued existence of listed salmon and steelhead. This document was previously transmitted to EPA. To remind EPA, the document is available as follows:

Nat'l Marine Fisheries Serv., ESA Section 7 Consultation Biological Opinion, EPA Registration of Pesticides Containing Azinphos methyl, Bensulide, Dimethoate, Disulfoton, Ethoprop, Fenamiphos, Naled, Methamidophos, Methidathion, Methyl parathion, Phorate and Phosmet (Aug. 31, 2010) (Item #3), *included with submitted documents and available at* [HYPERLINK "<https://www.fisheries.noaa.gov/national/consultations/pesticide-consultations>"]

This was in contrast to the many “no effect” determinations the EPA made regarding these pesticides using the agency’s risk quotient/level of concern approach. An example for phorate can be found here

EPA. Phosmet Analysis of Risks to Endangered and Threatened Salmon and Steelhead (Nov. 26, 2003), *included with submitted documents*

2) Unlike EPA’s prior “no effect” conclusion for hundreds of species impacted by EPA’s registration of dicamba pesticide products, EPA determined that each of three organophosphate pesticide resulted in not just “may affect,” but “likely to adversely affect” determinations for hundreds of species. For chlorpyrifos, for use on cotton, soybeans and other crops, EPA made a “may affect” determination for 99% of listed species (1819 of 1835) and a “likely to adversely affect” determination for 97% (1778 of 1835) of listed species. Similarly, for malathion, the call was “may affect” for 99% (1819 of 1835) and 97% “likely to adversely affect,” (1778 of 1835). For diazinon, the call was “may affect” for 94% (1720 of 1835) and 78% “likely to adversely affect,” (1437 of 1835). EPA developed these ESA assessments, and, as a reminder to EPA of their relevance to dicamba, the voluminous documents are available here:

U.S. Env'tl. Prot. Agency, *EPA Releases Final Biological Evaluations of Three Chemicals' Impacts on Endangered Species* (Jan. 18, 2017), *available at* <https://www.epa.gov/pesticides/epa-releases-final-biological-evaluations-three-chemicals-impacts-endangered-species>.

Link to EPA’s final BE entitled “Biological Evaluation Chapters for Chlorpyrifos ESA Assessment”

[HYPERLINK "<https://www.epa.gov/endangered-species/biological-evaluation-chapters-chlorpyrifos-esa-assessment>"]

Link to EPA’s final BE entitled “Biological Evaluation Chapters for Malathion ESA Assessment”

[HYPERLINK "<https://www.epa.gov/endangered-species/biological-evaluation-chapters-malathion-esa-assessment>"]

Link to EPA’s final BE entitled “Biological Evaluation Chapters for Diazinon ESA Assessment”

[HYPERLINK "<https://www.epa.gov/endangered-species/biological-evaluation-chapters-diazinon-esa-assessment>"]

The National Marine Fisheries Service also made 38 jeopardy calls for 77 species for malathion and chlorpyrifos, and 25 jeopardy calls for 77 species for diazinon.

National Marine Fisheries Service. Biological Opinion on the Environmental Protection Agency’s Registration of Pesticides containing Chlorpyrifos, Diazinon, and Malathion. Dec. 29, 2017. Available at: [HYPERLINK "<https://www.fisheries.noaa.gov/resource/document/biological-opinion-pesticides-chlorpyrifos-diazinon-and-malathion>"]

3) In March 2020, the EPA also released draft biological evaluations for two carbamate pesticides. EPA made a “may affect” determination for 97% of listed species (1741 of 1795) and a “likely to adversely affect” determination for 86% (1542 of 1795) of listed species for carbaryl. Similarly, for methomyl, the call was “may affect” for 85% (1529 of 1795) and 62% “likely to adversely affect,” (1114 of 1795).

Link to EPA’s draft BE entitled “Draft National Level Listed Species Biological Evaluation for Carbaryl”

[HYPERLINK "<https://www.epa.gov/endangered-species/draft-national-level-listed-species-biological-evaluation-carbaryl>"]

Link to EPA’s draft BE entitled “Draft National Level Listed Species Biological Evaluation for Methomyl”

[HYPERLINK "<https://www.epa.gov/endangered-species/draft-national-level-listed-species-biological-evaluation-methomyl>"]